

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

May 5, 2003

IN RE:

APPLICATION OF COMTECH21, LLC FOR
APPROVAL OF TRANSFER OF CUSTOMER BASE

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DOCKET NO.
03-00210

ORDER APPROVING CUSTOMER NOTICE LETTER

This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate, and Director Ron Jones of the Tennessee Regulatory Authority (the "TRA" or "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on April 7, 2003, for consideration of the *Application to Transfer Customer Base* (the "*Application*") filed by ComTech21, LLC ("ComTech") which requests approval of a customer notice letter pursuant to TRA Rule 1220-4-2-.56(2)(d)(2).

TRA Rule 1220-4-2-.56(2)(d)

TRA Rule 1220-4-2-.56(2)(d) provides as follows:

- (d) In the case of a transfer of a customer base between two or more telecommunications service providers, the Authority, upon petition by the acquiring telecommunications service provider, may deem that sufficient notice has been given and approval received from the affected customers when the following criteria are met:

- ...
2. A notification letter, pre-approved by the Authority, shall be mailed by U.S. First Class Postage by the telecommunications service provider being acquired to its customers describing the customer transfer and explaining that the customers' local or long distance service will be transferred to the acquiring telecommunications service provider by a certain date unless the customer selects another telecommunications service provider. This customer notification shall be mailed to the customers no

less than thirty (30) days prior to the actual customer transfer. The notification letter required by the FCC may be used for the notification purposes of this part. The Authority may waive the thirty (30) day notice requirement of this part for good cause shown.

3. The acquiring telecommunications service provider agrees to pay any fees charged to the customer associated with changing service to the acquiring telecommunications service provider. The notification letter required in 1220-4-2-.56(2)(d)(2) shall inform the customer of this provision.
4. The acquiring telecommunications service provider agrees to provide to the affected customers a thirty (30) day written notice of any rate increase that may affect their service up to ninety (90) days from the date of the transfer of customers. The notification letter mentioned in 1220-4-2-.56(2)(d)(2) shall inform the customer of this provision.

The Application

The *Application*, which was filed on March 18, 2003, states that 341 customers for interexchange telecommunications services will be transferred to ComTech from Alliance Group Services, Inc. ("AGSi"). ComTech was granted authority to provide intrastate telecommunication services in Tennessee by Order dated February 18, 2003 in TRA Docket No. 00-00732. AGSi was granted authority to provide intrastate interexchange telecommunication services in Tennessee by Order dated January 12, 1999 in TRA Docket No. 98-00526.

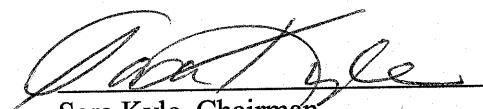
Pursuant to the proposed transfer of customer base, ComTech is seeking a waiver of the applicable subscriber authorization and verification requirements for a change of customers' primary interexchange carrier. TRA Rule 1220-4-2-.56(2)(d)(2) provides that, in case of a transfer of customer base from one telecommunications service providers to another, the TRA may deem that the provider whose customer base is being acquired has met the notification requirements of the TRA's anti-slamming rules by sending a letter to its affected customers notifying them of the change in provider. This rule requires TRA approval of the customer notice letter and, by implication, of the

transfer of customer base. This letter will be sent by ComTech, and the transfer will occur following compliance with the thirty-day notice requirement.

At the April 7, 2003 Authority Conference, the Directors voted unanimously to approve the customer notice letter filed with the TRA on March 18, 2003 and, by implication, the transfer of customer base from AGSi to ComTech. During the Conference, it was determined that, in addition to ComTech's name and return address, a sticker with the words "Contents Concerns Your Alliance Group Services Account" would be affixed to the envelope so that recipients of the letter can easily identify AGSi, the current service provider, as the sender and will be less likely to discard the letter prior to reading. ComTech also agreed to include in the letter a statement that rates would not be changed without thirty days advance notice.

IT IS THEREFORE ORDERED THAT:

1. The transfer of customer base from AGSi to ComTech is approved.
2. The customer notice letter proposed by ComTech and AGSi is approved.


Sara Kyle, Chairman


Deborah Taylor Tate, Director


Ron Jones, Director